

Message Text

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ACTION NEA-10

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NEA/ARN PASS TO AMBASSADOR PICKERING FROM SUDDARTH

E.O. 11652: N/A
TAGS: OGEN, SCUD, JO, US
SUBJECT: COURT CASE AGAINST AMERICAN CENTER FOR ORIENTAL
RESEARCH

1. WELL-RESPECTED PRIVATE ARCHEOLOGICAL RESEARCH CENTER, THE
AMERICAN CENTER FOR ORIENTAL RESEARCH(ACOR)(WHICH ALSO RECEIVES
CU GRANT) RECEIVED COURT ORDER APRIL 30 REQUIRING IT TO
VACATE ITS RENTAL PROPERTY OR COME TO TERMS WITH LANDLORD
(FOR PROHIBITIVELY LARGE RENTAL INCREASE) WITHIN SEVEN DAYS.
COURT ORDER RESULTS FROM DECISION LAST WEEK OF JORDANIAN SUPREME
COURT UPHOLDING VALIDITY OF 1953 LAW, WHICH SPECIFIES THAT
FOREIGNERS MAY NOT RENT PROPERTY FOR MORE THAN THREE YEARS WITHOUT
PRIOR CONSENT OF COUNCIL OF MINISTERS. ACTUAL COURT CASE WAS
DECIDED A FEW DAYS PREVIOUSLY AGAINST PRIVATE YUGOSLAVECOMPANY
AND SUPREME COURT DID NOT HEAR SIMILAR COURT CASE PENDING
AGAINST ACOR BECAUSE PREVIOUS JUDGMENT AGAINST YUGOSLAV COMPANY
HAD DECIDED THE PRINCIPAL LEGAL ISSUE, WHICH THEN BECAME
APPLICABLE IN ACOR CASE.

2. ALL LEGAL EXPERTS WITH WHOM EMBASSY HAS DISCUSSED ISSUE
HAVE INDICATED THEIR SURPRISE THAT SUPREME COURT DECISION
UPHELD 1953 LAW, PARTICULARLY SINCE LOWER COURT HAD SUSTAINED
JUDGMENT THAT SUBSEQUENT JORDANIAN LAW OF TENANCY
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(PROVIDING VIRTUALLY UNLIMITED TENANCY TO OCCUPANTS
OF RENTAL PROPERTY) APPLIED TO FOREIGNERS AS WELL AS
JORDANIANS. SUPREME COURT RULING IS NOW BINDING UNLESS
GOJ TAKES ACTION TO RATIFY A LAW MODIFYING THE 1953 LAW
ON THIS POINT. LEGAL EXPERTS HAVE OPINED THAT CURRENT LAW,
IF FULLY APPLIES, WOULD HAVE FAR-REACHING EFFECTS ON FOREIGN
COMMUNITY IN JORDAN, IN VIEW OF FACT IT COULD INVALIDIATE

MOST RENTAL CONTRACTS FOR FOREIGNERS IN JORDAN. THIS PARTICULARLY TRUE INASMUCH AS RECENT DRAMATIC RISE LOCALLY IN RENTAL COSTS HAVE GIVEN LANDLORDS INCENTIVE TO ATTEMPT EVERY MEANS TO RAISE RENTAL COSTS TO TENANTS.

3. EMBASSY HAS TAKEN ACTIVE ROLE IN ASSISTING ACOR IN THIS MATTER. EMBASSY HAS CONSULTED WITH ACOR DIRECTOR DR. SAUER AND HIS LAWYER TO COORDINATE COURSE OF ACTION. CHARGE' DISCUSSED ISSUE WITH PRIME MINISTER BADRAN APRIL 30, GIVING HIM COPY OF ACOR COURT ORDER AND MENTIONING THAT AMBASSADOR PICKERING HAD PREVIOUSLY RAISED ISSUE OF PENDING CASE WITH CROWN PRINCE HASSAN WHO HAD DIRECTED MINISTER OF TOURISM TO RESOLVE IT.

4. BADRAN WAS NOT AWARE OF RECENT COURT JUDGMENT AND WAS SURPRISED THAT SUPREME COURT HAD REVERSED DECISION OF LOWER COURT. HE SAID, HOWEVER, THE GOJ WAS AWARE OF POTENTIAL ISSUE AND WOULD NOW HAVE TO CONSIDER WHAT ACTION TO TAKE. HE VOLUNTEERED THAT IT WOULD BE POSSIBLE FOR GOJ COUNCIL OF MINISTERS TO AMEND JORDANIAN LAW TO COUNTERACT EFFECTS OF RECENT SUPREME COURT DECISION BUT INDICATED THAT THERE WERE MANY COURT CASES PENDING AGAINST FOREIGNERS ON PRECISELY THIS POINT OF LAW. CHARGE' INDICATED THAT ENFORCEMENT OF THIS LAW, AFTER 24 YEARS OF IGNORING IT, COULD HAVE SERIOUS EFFECT ON FOREIGN COMMUNITY IN JORDAN. BADRAN ALSO INDICATED HE WOULD CONTACT ACOR LANDLORD TO INSURE THAT NO PRECIPITOUS ACTION IS TAKEN AGAINST ACOR IN INTERIM PERIOD (ACOR IS ALSO ASKING COURT FOR 2-3 MONTH STAY OF EXECUTION OF COURT ORDER WHICH ACOR LIMITED OFFICIAL USE

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LAWYER SAYS IS COMMON PRACTICE IN SUCH CASES AND WILL PROBABLY BE GRANTED.) PRIME MINISTER BADRAN REQUESTED TO SEE ACOR LAWYER PERSONALLY TO GET FURTHER BACKGROUND ON ISSUE. ACOR DIRECTOR HAS ALSO DISCUSSED IT WITH MINISTER OF TOURISM BARAKAT WHO WILL BE RAISING IT WITH PRIME MINISTER MAY 2.

5. CHARGE' ALSO MENTIONED MATTER TO MINISTER OF STATE FOR FOREIGN AFFAIRS HASSAN IBRAHIM WHO ALSO WAS UNAWARE OF CASE BUT WHO INDICATED HE DID NOT RPT DID NOT BELIEVE IT COULD APPLY TO OFFICIAL DIPLOMATIC MISSIONS AND THEIR PERSONNEL. THIS IS ALSO A PRELIMINARY JUDGMENT OF EMBASSY LAWYER. BRITISH EMBASSY HAS ALSO CONTACTED EMBASSY CONCERNING CASE SINCE THEY HAD LEARNED INDEPENDENTLY OF COURT DECISION FROM THEIR LAWYER. BRITISH AMBASSADOR IS PLANNING TO SEE IBRAHIM MAY 2 ON ISSUE.

6. COMMENT: IT IS STILL TOO EARLY TO TELL HOW THIS ISSUE WILL BE HANDLED OR WHAT FULL IMPLICATIONS ARE FOR FOREIGN COMMUNITY IN JORDAN. WHILE BADRAN APPEARED TO BE SOMEWHAT

SYMPATHETIC TO ACOR CASE, WE EXPECT HE WILL BE UNDER INTENSE PRESSURE FROM POLITICALLY POWERFUL LANDLORDS TO ENFORCE NEW LAW WITHOUT INTRODUCING CORRECTIVE LEGISLATION.

7. ACTION REQUESTED: IN VIEW AMBASSADOR PICKERING'S ACTIVE PERSONAL INTEREST IN ACOR COURT CASE, REQUEST DEPARTMENT ADVISE HIM OF THIS DEVELOPMENT. EMBASSY ANTICIPATES HE WILL WISH TO DISCUSS ISSUE WITH GOJ UPON HIS RETURN TO JORDAN MAY 7.
SUDDARTH

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